

REMARKS

In view of the above amendments and the following remarks, reconsideration of the rejections and further examination are requested. Upon entry of this amendment, claims 1 and 16 are amended, leaving claims 1-20 pending with claims 1 and 16 being independent. The amendments to the claims are supported by at least pg. 13, line 22 – pg. 14, lines 1 and Figs. 3 and 4 of the original specification of this application. Therefore, no new matter has been added.

Rejections Under 35 U.S.C. §103(a)

Claims 1-15 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent 6,361,290 to Ide in view of U.S. patent 4,911,619 to Todescat et al.

Applicants submit that the claims as now pending are allowable over the cited prior art. Specifically, amended independent claim 1 recites a hermetic compressor wherein the outlet pipe includes a right angle bend in the sound deadening space, the outlet pipe being separate and disconnected from the inlet pipe, and the gas flow forming part is formed by a combination of the outlet pipe and the inlet pipe.

The cited prior art fails to disclose or render obvious such a compressor. In particular, as recognized by the Examiner, Ide does not disclose a right-angle bend in the sound deadening space. For this element, the Examiner relies on Todescat. *See* pg. 3 of the October 28, 2010 Office Action. According to the Examiner, Todescat discloses an outlet pipe 115 with a right angle bend. However, as shown in Fig. 3 of Todescat, flow leading pipe 115 is one piece from the inlet 113 to the outlet 114. Thus, it is clear that Todescat does not disclose an outlet pipe that includes a right angle bend in the sound deadening space, the outlet pipe being separate and disconnected from the inlet pipe, and the gas flow forming part is formed by a combination of the outlet pipe and the inlet pipe, as required by claim 1 of the present invention.

Additionally, although Todescat may disclose radial openings 116 and 117, most of the gas inhaled through the inlet flows through pipe to the outlet 114. Thus, Todescat does not disclose the gas flow forming part that is formed by a combination of the outlet pipe and the inlet pipe, as required by independent claim 1.

Furthermore, since the muffler chamber 111 in Todescat is separated from muffler chamber 112 (*see* col. 4, lines 20-27 of Todescat), Todescat does not have a gas flow forming part that forms a gas flow that enables the gas to flow in a constant direction in the sound

deadening space by one end opening of the outlet pipe disposed adjacent the first surface of the sound deadening space being open so that the gas flowing into the compression chamber from the one end opening of the outlet pipe disposed adjacent the first surface of the sound deadening space flows and circulates in a constant direction along the first surface of the sound deadening space and by opening the one end opening of the inlet pipe at a place which the gas flows into the sound deadening space, as required by claim 1 of the present application.

Moreover, there is no reasoning in the prior art to modify Todescat or Ide such that the combination thereof would have rendered independent claim 1 obvious. Any such reasoning would have involved improper hindsight. Therefore, Applicants submit that independent claim 1 and its dependent claims are allowable over the cited prior art.

The dependent claims also recite additional subject matter that further distinguish them from the cited prior art. For example, dependent claim 2 recites that the gas flow forming part is formed by providing one end opening in the sound deadening space of the inlet pipe at a thin part of the sound deadening space. The Examiner suggests that the thin part is broad and is thus applicable to the entire sound deadening space. Applicants respectfully disagree and submit that the thin part recited in claim 2 is “part” of the sound deadening space, and is thus not the entire sound deadening space. An interpretation that does not give any meaning to the thin part of the sound deadening space renders this element meaningless. Such an interpretation would be contrary to the decisions of the Federal Circuit. See *Gaus v. Conair*, 363 F.3d 1284, 1288 (Fed. Cir. 2004). Applicants submit that the Examiner is interpreting the claims such that the “part” of the sound deadening space has been rendered meaningless. Applicants submit that the Examiner should give meaning to this element, and that the cited prior art does not disclose this element. Therefore, Applicants submit that the cited prior art fails to disclose or render obvious dependent claim 2.

Claims 16-20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Lee (US 2004/0179955) in view of Todescat.

Applicants submit that independent claim 16 and its dependent claims are allowable for similar reasons to those set forth above. Namely, neither Lee nor Todescat discloses or renders obvious a hermetic compressor wherein the gas flowing into the compression chamber from the internal opening of the outlet pipe flows and circulates in a constant direction along one wall of

the top wall, the bottom wall and the side walls of the sound deadening space by opening the internal opening of the outlet pipe adjacent to said one wall, and the internal opening of the inlet pipe opens at a place which the gas flows into the sound deadening space so as to constitute a gas flow forming part that causes a flow of the refrigerant gas along the bottom part of the sound deadening space in a constant direction toward the oil discharge opening to cause the oil in the sound deadening space to pool at the oil discharge opening, and the outlet pipe includes a right angle bend in the sound deadening space, the outlet pipe being separate and disconnected from the inlet pipe, and the gas flow forming part is formed by a combination of the outlet pipe and the inlet pipe, as recited in claim 16 of the present application.

Conclusion

In view of the foregoing amendments and remarks, all of the claims now pending in this application are believed to be in condition for allowance. Reconsideration and favorable action are respectfully solicited.

Should the Examiner believe there are any remaining issues that must be resolved before this application can be allowed, it is respectfully requested that the Examiner contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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